

MESSAGE NO: 5039204 MESSAGE DATE: 02/08/2005

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 4363207  
MESSAGE #  
(s):

CASE #(s): A-549-822

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/04/2004 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: AMENDED FINAL DETERMINATION AND ANTIDUMPING DUTY ORDER IN THE INVESTIGATION OF CERTAIN FROZEN WARMWATER SHRIMP FROM THAILAND (A-549-822)

MESSAGE NO: 5039204

DATE: 02 08 2005

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 4363207

REFERENCE DATE: 12 28 2004

CASES: A - 549 - 822

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PERIOD COVERED: 08 04 2004 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: AMENDED FINAL DETERMINATION AND ANTIDUMPING DUTY ORDER  
IN THE INVESTIGATION OF CERTAIN FROZEN WARMWATER SHRIMP  
FROM THAILAND (A-549-822)

1. ON FEBRUARY 1, 2005, THE DEPARTMENT OF COMMERCE WILL PUBLISH IN THE FEDERAL REGISTER ITS AMENDED FINAL DETERMINATION AND ANTIDUMPING DUTY ORDER, IN THE INVESTIGATION OF CERTAIN FROZEN WARMWATER SHRIMP FROM THAILAND. THIS IS AN AMENDMENT OF MESSAGES 4358201 AND 4363207 ON 12/23/2004 AND 12/28/2004, RESPECTIVELY.

2. THE SCOPE OF THIS ORDER INCLUDES CERTAIN WARMWATER SHRIMP AND

PRAWNS, WHETHER FROZEN, WILD-CAUGHT (OCEAN HARVESTED) OR FARM-RAISED (PRODUCED BY AQUACULTURE), HEAD-ON OR HEAD-OFF, SHELL-ON OR PEELED, TAIL-ON OR TAIL-OFF (INCLUDING THE TELSON AND THE UROPODS), DEVEINED OR NOT DEVEINED, COOKED OR RAW, OR OTHERWISE PROCESSED IN FROZEN FORM.

THE FROZEN WARMWATER SHRIMP AND PRAWN PRODUCTS INCLUDED IN THE SCOPE OF THIS ORDER, REGARDLESS OF DEFINITIONS IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS), ARE PRODUCTS WHICH ARE PROCESSED FROM WARMWATER SHRIMP AND PRAWNS THROUGH FREEZING AND WHICH ARE SOLD IN ANY COUNT SIZE.

THE PRODUCTS DESCRIBED ABOVE MAY BE PROCESSED FROM ANY SPECIES OF WARMWATER SHRIMP AND PRAWNS. WARMWATER SHRIMP AND PRAWNS ARE GENERALLY CLASSIFIED IN, BUT ARE NOT LIMITED TO, THE PENAEIDAE FAMILY. SOME EXAMPLES OF THE FARMED AND WILD-CAUGHT WARMWATER SPECIES INCLUDE, BUT ARE NOT LIMITED TO, WHITELEG SHRIMP (PENAEUS VANNAMEI), BANANA PRAWN (PENAEUS MERGUIENSIS), FLESHY PRAWN (PENAEUS CHINENSIS), GIANT RIVER PRAWN (MACROBRACHIUM

ROSENBERGII), GIANT TIGER PRAWN (PENAEUS MONODON), REDSPOTTED SHRIMP (PENAEUS BRASILIENSIS), SOUTHERN BROWN SHRIMP (PENAEUS SUBTILIS), SOUTHERN PINK SHRIMP (PENAEUS NOTIALIS), SOUTHERN ROUGH SHRIMP (TRACHYPENAEUS CURVIROSTRIS), SOUTHERN WHITE SHRIMP (PENAEUS SCHMITTI), BLUE SHRIMP (PENAEUS STYLIROSTRIS), WESTERN WHITE SHRIMP (PENAEUS OCCIDENTALIS), AND INDIAN WHITE PRAWN (PENAEUS INDICUS).

FROZEN SHRIMP AND PRAWNS THAT ARE PACKED WITH MARINADE, SPICES OR SAUCE ARE INCLUDED IN THE SCOPE OF THIS ORDER. IN ADDITION, FOOD PREPARATIONS, WHICH ARE NOT "PREPARED MEALS," THAT CONTAIN MORE THAN 20 PERCENT BY WEIGHT OF SHRIMP OR PRAWN ARE ALSO INCLUDED IN THE SCOPE OF THIS ORDER.

EXCLUDED FROM THE SCOPE ARE: 1) BREADED SHRIMP AND PRAWNS (HTS

SUBHEADING 1605.20.10.20); 2) SHRIMP AND PRAWNS GENERALLY CLASSIFIED IN THE PANDALIDAE FAMILY AND COMMONLY REFERRED TO AS COLDWATER SHRIMP, IN ANY STATE OF PROCESSING; 3) FRESH SHRIMP AND PRAWNS WHETHER SHELL-ON OR PEELED (HTS SUBHEADINGS 0306.23.00.20 AND 0306.23.00.40); 4) SHRIMP AND PRAWNS IN PREPARED MEALS (HTS SUBHEADING 1605.20.05.10); 5) DRIED SHRIMP AND PRAWNS; 6) CANNED WARMWATER SHRIMP AND PRAWNS (HTS SUBHEADING 1605.20.10.40); 7) CERTAIN DUSTED SHRIMP; AND 8) CERTAIN BATTERED SHRIMP. DUSTED SHRIMP IS A SHRIMP-BASED PRODUCT: 1) THAT IS PRODUCED FROM FRESH (OR THAWED-FROM-FROZEN) AND PEELED SHRIMP; 2) TO WHICH A "DUSTING" LAYER OF RICE OR WHEAT FLOUR OF AT LEAST 95 PERCENT PURITY HAS BEEN APPLIED; 3) WITH THE ENTIRE SURFACE OF THE SHRIMP FLESH THOROUGHLY AND EVENLY COATED WITH THE FLOUR; 4) WITH THE NON-SHRIMP CONTENT OF THE END PRODUCT CONSTITUTING BETWEEN FOUR

AND TEN PERCENT OF THE PRODUCT'S TOTAL WEIGHT AFTER BEING DUSTED, BUT PRIOR TO BEING FROZEN; AND 5) THAT IS SUBJECTED TO INDIVIDUALLY QUICK FROZEN (IQF) FREEZING IMMEDIATELY AFTER APPLICATION OF THE DUSTING LAYER. BATTERED SHRIMP IS A SHRIMP-BASED PRODUCT THAT, WHEN DUSTED IN ACCORDANCE WITH THE DEFINITION OF DUSTING ABOVE, IS COATED WITH A WET VISCOUS LAYER CONTAINING EGG AND/OR MILK, AND PAR-FRIED.

THE PRODUCTS COVERED BY THIS ORDER ARE CURRENTLY CLASSIFIED UNDER

THE FOLLOWING HTS SUBHEADINGS: 0306.13.00.03, 0306.13.00.06, 0306.13.00.09, 0306.13.00.12, 0306.13.00.15, 0306.13.00.18, 0306.13.00.21, 0306.13.00.24, 0306.13.00.27, 0306.13.00.40, 1605.20.10.10, AND 1605.20.10.30. THESE HTS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND FOR CUSTOMS PURPOSES ONLY AND ARE NOT DISPOSITIVE, BUT RATHER THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS ORDER IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-549-822.

4. FOR IMPORTS OF CERTAIN FROZEN WARMWATER SHRIMP FROM THAILAND,

CUSTOMS AND BORDER PROTECTION SHALL CONTINUE TO SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER AUGUST 4, 2004. EFFECTIVE FEBRUARY 1, 2005, CBP SHALL REQUIRE A CASH DEPOSIT EQUAL TO THE MARGINS SHOWN BELOW:

MFR/PRODUCER	MARGIN
EXPORTER	(CBP ID NUMBER) PERCENTAGE RATE

ANDAMAN SEAFOOD CO., LTD.	(A-549-822-001)	5.91
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CHANTHABURI SEAFOODS CO., LTD.	(A-549-822-002)	5.91
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CHANTHABURI FROZEN FOOD COMPANY, LTD.	(A-549-822-003)	5.91
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PHATTANA SEAFOOD CO., LTD.	(A-549-822-004)	5.91
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S.C.C. FROZEN SEAFOOD CO., LTD	(A-549-822-011)	5.91
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THAI I-MEI FROZEN FOODS CO., LTD.	(A-549-822-005)	5.29
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THAI INTERNATIONAL SEAFOOD CO., LTD.	(A-549-822-006)	5.91
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THAILAND FISHERY COLD STORAGE PUBLIC CO., LTD.	(A-549-822-007)	5.91
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THE UNION FROZEN PRODUCTS CO., LTD.	(A-549-822-008)	6.82
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WALES COMPANY UNIVERSE, LTD.	(A-549-822-009)	5.91
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Y2K FROZEN FOOD CO., LTD.	(A-549-822-010)	5.91
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ALL OTHERS	(A-549-822-000)	5.95
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THE ALL OTHERS RATE APPLIES TO ALL ENTRIES OF SUBJECT MERCHANDISE FROM THAILAND EXCEPT FOR ENTRIES FROM EXPORTERS THAT ARE IDENTIFIED INDIVIDUALLY ABOVE.

5. ON JANUARY 21, 2005, THE INTERNATIONAL TRADE COMMISSION (ITC) NOTIFIED THE DEPARTMENT OF ITS FINAL DETERMINATION THAT TWO DOMESTIC LIKE PRODUCTS EXIST FOR THE MERCHANDISE COVERED BY THE DEPARTMENT'S INVESTIGATION: 1) CERTAIN NON-CANNED WARMWATER SHRIMP AND PRAWNS; AND 2) CANNED WARMWATER SHRIMP AND PRAWNS. THE ITC DETERMINED THAT THERE IS NO INJURY OR THREAT THEREOF TO THE U.S. DOMESTIC INDUSTRY REGARDING IMPORTS OF CANNED WARMWATER SHRIMP AND PRAWNS FROM THAILAND; THEREFORE, CANNED WARMWATER SHRIMP AND PRAWNS ARE NOT COVERED BY THIS ANTIDUMPING DUTY ORDER.

FIELD OFFICES SHOULD DISCONTINUE SUSPENSION OF LIQUIDATION OF ALL SHIPMENTS OF CANNED WARMWATER SHRIMP AND PRAWNS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER AUGUST 4,

2004. ALL ESTIMATED ANTIDUMPING DUTIES DEPOSITED ON ENTRIES OF THIS MERCHANDISE SHALL BE REFUNDED AND THE BONDS OR OTHER SECURITY RELEASED AT THE TIME OF LIQUIDATION. INTEREST PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930 DO NOT APPLY.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O1:GK).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party